

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SEIFULLAH ABDUL-SALAAM,	:	No. 4:CV-02-2124
	:	
Petitioner	:	(Judge Jones)
	:	
v.	:	
	:	
JEFFREY BEARD, Commissioner,	:	
Pennsylvania Department of Corrections;	:	
WILLIAM S. STICKMAN, Superintendent	:	
of the State Correctional Institution at	:	
Greene; and JOSEPH P. MAZURKIEWICZ,	:	
Superintendent of the State Correctional	:	
Institution at Rockview,	:	
	:	
Respondents.	:	

ORDER

August 2, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is Petitioner's Third Motion for Discovery (Rec. Doc. 88), filed on February 14, 2006. By Order dated July 12, 2006, the Court directed the parties to advise the Court as to the posture of the interlocutory appeal before the United States Supreme Court and directed Respondents to file a brief in opposition to Petitioner's Third Motion for Discovery within ten (10) days from the date of the Court Order. (See Rec. Doc. 93). On July 14, 2006, Petitioner filed a notice informing the Court that Respondents' interlocutory petition for certiorari to the United States Supreme Court was denied by the Supreme Court on May 22, 2006. (Rec. Doc. 94). Respondents have not filed a brief in opposition to Petitioner's Third Motion for Discovery.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Petitioner's Third Motion for Discovery (Rec. Doc. 88) is GRANTED.

2. Within sixty (60) days from the date of this Order, Respondents shall present the following witnesses for deposition:

a. A person with knowledge of the operation of the Cumberland County 911 system in 1994 who can respond to the issue raised in paragraph 10 of Petitioner's Motion (Rec. Doc. 88). In lieu of deposition testimony, Respondents may provide a written response to Petitioner's issue within twenty-one (21) days of the date of this Order;

b. The following members of the "We-Team" who responded to the crime scene:

1. Officer Donald Morgan
2. Officer Charles Hall
3. Officer Kevin Fox
4. Officer John Gallup;

c. Officer Brian Nailor; and

d. Corporal Garrett Rain.¹

3. All depositions will be conducted at a time and place convenient to both parties and all the above discovery will be completed within sixty (60) days of the date of this Order. All expenses related to the depositions will be borne by counsel for Petitioner.

4. As of the date of this Order, the Order of Court dated August 11, 2005 (Rec. Doc. 77) relating to the DNA testing of the steering wheel is in full force and effect. All removal

¹By Order dated July 26, 2004, the Court permitted Petitioner to take the oral deposition of evidence custodians regarding the collection, custody and maintenance of physical evidence collected in this case. (Rec. Doc. 33). Corporal Rain, one of the designated custodians, was not available for a deposition at the time, and despite an agreement between the parties to reschedule the deposition, Corporal Rain has not been deposed as of the date of this Order. (See Rec. Doc. 88, para. 2).

and testing designated in said Order shall be completed by October 6, 2006.

s/ John E. Jones III
John E. Jones III
United States District Judge